

AO 91 (Rev. 11/11) Criminal Complaint (Rev. by USAO on 3/12/20)

☐ Original ☐ Duplicate Original

<b>LODGED</b>
CLERK, U.S. DISTRICT COURT
<b>03/08/2022</b>
CENTRAL DISTRICT OF CALIFORNIA
BY: _____ DVE _____ DEPUTY

## UNITED STATES DISTRICT COURT

for the

Central District of California

<b>FILED</b>
CLERK, U.S. DISTRICT COURT
<b>03/08/2022</b>
CENTRAL DISTRICT OF CALIFORNIA
BY: _____ JD _____ DEPUTY

United States of America

v.

ERIK GONZALEZ MARTINEZ, also known as  
 ("aka") "Pedro Vargas Vasquez," aka "Heric  
 Anival Gonzalez Martinez," aka "Erik Gonzalez,"

Defendant(s)

Case No. 8:22-mj-00192-DUTY

**CRIMINAL COMPLAINT BY TELEPHONE  
 OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of November 3, 2021 in the county of Orange in the Central District of California, the defendant(s) violated:

*Code Section*

8 U.S.C. §§1326(a); (b)(2)

This criminal complaint is based on these facts:

*Please see attached affidavit.*☒ Continued on the attached sheet.*Offense Description*

Illegal Alien Found in the United States  
 Following Deportation or Removal

/s/

*Complainant's signature*

MITCHELL A. GANGWISH

Deportation Officer, DHS

*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date:

March 8, 2022

*Karen E. Scott**Judge's signature*

City and state: Santa Ana, California

Hon. KAREN E. SCOTT

U.S. Magistrate Judge

*Printed name and title*

AUSA: Melissa Rabbani  
 (714) 338-3499

A F F I D A V I T

I, Mitchell A. Gangwish, being duly sworn, do hereby depose and say:

1. I am a Deportation Officer ("DO") with the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"). I have been a DO with ICE, formerly known as the Immigration and Naturalization Service ("INS"), since May 2016. I am currently assigned to the Los Angeles Enforcement and Removal Operations Unit, Santa Ana office.

2. This affidavit is made in support of a criminal complaint and arrest warrant charging ERIK GONZALEZ MARTINEZ, also known as ("aka") "Pedro Vargas Vasquez," aka "Heric Anival Gonzalez Martinez," aka "Erik Gonzalez" ("GONZALEZ"), with a violation of Title 8, United States Code, Section 1326(a), (b)(2) (Illegal Alien Found in the United States Following Deportation or Removal). The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from other law enforcement agents and witnesses.

3. On or about November 3, 2021, GONZALEZ was encountered by Deportation Officer H. Zebari ("DO Zebari") at the Orange County Jail, Santa Ana, California. DO Zebari is authorized to enforce immigration laws pursuant to Section 287(a) of the Immigration and Nationality Act. DO Zebari conducted a preliminary records check of the ICE database, which revealed GONZALEZ was previously deported. An Immigration Detainer (Form I-247) was issued against GONZALEZ.

4. On or about February 7, 2022, I obtained Alien File No. A077-974-485 ("A-File"), which was assigned and maintained for the subject alien GONZALEZ. An "A-File" is a file in which immigration records are maintained for aliens admitted to or found in the United States. The A-File usually contains photographs, fingerprints, court records of conviction, and records relating to deportation or other actions by DHS (or INS) with respect to the subject alien for whom the A-File is maintained.

5. On or about February 7, 2022, I obtained and reviewed a printout of the data from the California Criminal Identification Information ("CII") and the Federal Bureau of Investigation ("FBI") Identification Record for GONZALEZ, the individual who is the subject of this affidavit. I compared the

data on these documents to that found in the INS Central Index System ("CIS") under the assigned A-File. I also compared the data from these documents to the printout of the CII contained in the A-File. I found that the data from the CII contained in the A-File contains the same name and date of birth found in the CIS, the CII, and the FBI Identification Record that I obtained. In addition, the CII printout also reflects the convictions described below. Based on this review, I believe that GONZALEZ is the same individual who incurred the convictions described below and who was ordered deported and/or removed as described in the A-File.

6. On or about February 7, 2022, I reviewed a booking photograph from the Orange County Sheriff's Department bearing the name "Heric Gonzalez Martinez Anival," from his arrest on November 2, 2021. I conducted a photograph comparison of GONZALEZ's booking photograph to the photographs contained in the immigration records under GONZALEZ's identifying information. It appeared to me that GONZALEZ's booking photograph and the immigration record photographs under GONZALEZ's identifying information appear to resemble the same person. Thus, I believe that A-File A77-974-485 and its contents correspond to GONZALEZ.

7. On or about February 7, 2022, I reviewed GONZALEZ's A-File. A review of the A-File revealed the following information and documents:

a. A DHS Immigration Detainer (Form I-247) dated November 3, 2021. Based upon my review of the Detainer and my training and experience, I am able to determine that DO Zebari placed the Detainer on GONZALEZ as part of his routine assigned duties to locate suspected criminal aliens in custody at the Orange County Jail, Santa Ana, California.

b. A Record of Deportable/Inadmissible Alien (Form I-213), which indicated that Special Agent Sharon Wynn encountered GONZALEZ on or about January 10, 2001, at or near, Orange County Jail, Orange County, California.

c. A Final Administrative Removal Order showing that GONZALEZ was ordered removed from the United States to Mexico by Chad Stephens, Acting Assistant Field Office Director, Bakersfield, California, on June 23, 2008.

d. A Final Administrative Removal Order showing that GONZALEZ was ordered removed from the United States to Mexico by F. Couglin, Supervisory Detention and Deportation Officer, Sacramento, California, on May 4, 2016.

e. An executed Warrant of Removal/Deportation indicating that GONZALEZ was officially removed and deported from the United States to Mexico on May 10, 2016, at the San Ysidro Port of Entry, San Ysidro, California. I know from my training and experience that a Warrant of Removal/Deportation is executed each time a subject alien is removed and deported from the United States by ICE (and its predecessor agency, INS) and usually contains the subject's photograph, signature, and/or fingerprint. The executed Warrant of Removal/Deportation in GONZALEZ's A-File contains his photograph, signature, and fingerprint.

f. A record of conviction indicating that on or about September 26, 2002, GONZALEZ was convicted of Assault with a Semiautomatic Firearm, in violation of California Penal Code Section 245(b), and a sentence enhancement within the meaning of California Penal Code 12022.5(a), in the Superior Court of the State of California, County of Orange, case number 01CF2784, for which GONZALEZ received a sentence of sixteen years of imprisonment.

8. On or about February 7, 2022, I reviewed the printouts of ICE computer indices on GONZALEZ. Based on my training and experience, I know that the ICE computer indices track and document each time an alien is deported from the United States by ICE (or INS) or is granted permission to enter or re-enter

the United States. The ICE computer indices confirmed that GONZALEZ had been removed and deported on the date indicated on the Warrant of Removal/Deportation found in GONZALEZ's A-File. The ICE computer indices further indicated that GONZALEZ had not applied for or obtained permission from the Attorney General or his designated successor, the Secretary of Homeland Security, to re-enter the United States legally since GONZALEZ had last been deported.

9. Based on my review of GONZALEZ's A-File, I determined that his A-File does not contain any record of him ever applying or receiving permission from the Attorney General or his designated successor, the Secretary of Homeland Security, to legally re-enter the United States. Based on my training and experience, I know that such documentation is required to re-enter the United States legally after deportation, and that if such documentation existed, it would ordinarily be found in GONZALEZ's A-File.

10. Based on my review of the contents of the A-File, in particular the Warrant of Removal/Deportation indicating that GONZALEZ had been removed and deported to Mexico, and my training and experience, I believe that GONZALEZ is an alien, that is, a citizen of Mexico who illegally re-entered the United States without permission.

11. Based upon the information indicated above, including the Order of Removal, Warrant of Removal/Deportation, copies of the conviction documents, a booking photograph taken in the United States after the date of GONZALEZ's most recent removal, and the absence of an application to re-enter the United States, I have probable cause to believe that ERIK GONZALEZ MARTINEZ is in violation of Title 8, United States Code, Section 1326(a), (b)(2) (Illegal Alien Found in the United States Following Deportation or Removal).

/s/

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MITCHELL GANGWISH  
Deportation Officer  
United States Department of  
Homeland Security, Immigration  
and Customs Enforcement

Attested to by the applicant in  
accordance with the requirements  
of Fed. R. Crim. P. 4.1 by telephone  
on this 8th day of March, 2022.

*Karen E. Scott*

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HONORABLE KAREN E. SCOTT  
UNITED STATES MAGISTRATE JUDGE